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EXAMINER

ASHBURN, STEVEN L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,968

Applicant(s)

NAKAMURA, TAKASHI *CR*

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Macri et al., U.S. Patent 5,890,906 (Apr. 6, 1999) (hereinafter "*Macri*").

Macri discloses a method of instruction and simulated training and competitive play or entertainment in an activity that couples cognitive and motor functions, in particular, the playing of the game of hockey. *See abstract*. The invention includes a computer used to view and to control images of hockey players on a computer screen. An image of a hockey player controlled by the user is juxtaposed to or superimposed upon the image of an instructive, ideal or master hockey player. *See id.* The user manipulates the controlled image of a hockey player in an effort to approximate the movements of the instructive or ideal player via an input device such as a keyboard, joystick, or virtual reality device. *See id.* The invention also includes means by which the user's performance in approximating the instructive or ideal player may be measured. *See id.* The user can also control an image of a hockey player on the computer screen so that the image engages in performing offensive and defensive drills in opposition to an ideal or another opponent or team. *See id.*

In regards to the claim 1: *Macri* teaches means for downloading via a network replay data for replaying a play process of a game of a player; game execution playback means for playing back the downloaded replay data and at the same time executing a game by the player. *See col. 3:4-34*. Thus, the invention is unpatentable because Macri anticipates every feature of the claim.

In regards to claim 2: *Macri* teaches the following:

(1) Plurality of terminal game machines comprising:

(a) Storage means for obtaining and storing replay data for replaying a process of a game play when each player plays a game at a corresponding one of terminal game machines. *See fig. 1; col. 2:1-19, 3:17-30.*

(b) Transmission means for automatically transmitting the replay data stored in the storage means to the host computer. *See fig. 6; 3:17-30, 12:55-63.*

(c) Storage means for storing the received replay data. *See fig. 1.*

(d) Game execution playback means for playing back the received replay data stored in the storage means and executing the game play by the player. *See fig. 1; col. 2:1-19, 3:17-30.*

(2) Host computer comprising:

(a) Storage means for storing the replay data transmitted from each of the plurality of terminal game machines. *See id.*

(b) Transmission means for automatically transmitting the replay data stored in the storage means to each of the plurality of game machines. *See fig. 6; 3:17-30, 12:55-63.*

Thus, the invention is unpatentable because *Macri* anticipates every feature of the claim.

In regards to claim 3: *Macri* teaches the following:

(1) Plurality of terminal game machines comprising:

(a) Storage means for obtaining and storing replay data and result data for replaying a process of a game play when each player plays a game at a corresponding one of terminal game machines. *See fig. 1, 2(c)-(e); col. 2:1-19, 3:17-30, 9:43-64.*

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(b) Transmission means for automatically transmitting the result data and replay data stored in the storage means to the host computer. *See fig. 2(c)-(e), 6; 3:17-30, 9:43-64.*

(c) Reception means for receiving totalization data automatically transmitted from the host computer. *See 6:12-22, 9:43-64.*

(c) Storage means for storing the received totalization data. *See fig. 1; 6:12-22, 9:43-64.*

(d) Game execution playback means for reading-out and playing-back the received replay data from the received totalization data stored in the storage means and, as the same time, executing the game play by the player. *See fig. 1; col. 2:1-19, 3:17-30, 6:12-22, 9:43-64.*

(2) Host computer comprising:

(a) Storage means for storing the replay data transmitted from each of the plurality of terminal game machines. *See id.*

(b) Transmission means for automatically transmitting the replay data stored in the storage means to each of the plurality of game machines. *See fig. 6; 3:17-30, 12:55-63.*

Thus, the invention is unpatentable because Macri anticipates every feature of the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Marci* in view of Ng, U.S. Patent 5,971,855 (Oct. 26, 1999).

As described above, *Marci* teaches all the features of the instant claims except a detachable storage means allowing data readout that is connectable to a terminal game machine wherein the game machine reads out player character information serving as information associated with a game character and stored in the detachable storage means and reflecting the readout player character information on the game. Regardless of the deficiency, this feature would have been obvious to an artisan in view of *Ng*.

Ng discloses a system for communicating between a hand-held electronic game apparatus and other electronic systems. *See abstract*. Small hand-held electronic games, preprogrammed with a single game, may be linked together through a communications unit to engage in interactive gaming between two users. *See id*. Alternatively, the communications unit can be connected via a special cable connected to the serial port of a personal computer to permit connection to a central processing unit on an Internet website. *See id*. The central processing unit can modify the preprogrammed game, provide upgrades to the game, unlock hidden features and simulate a second hand-held electronic game apparatus for interactive play with a user. *See id*. Software installed on the personal computer permits communication between the hand-held electronic game and the personal computer, between the PC and the Internet website and thus between the hand-held game and the Internet website. *See id*. Data from the hand-held game can be communicated to the Internet website, for example, to register high scores or to play the preprogrammed game with other game users connected to the website. *See id*. By being able to link their electronic games to a website, *Ng* teaches that users will receive increased benefit and enjoyment from their electronic games. *See col. 2:56-60*.

In particular regards to claim 4, *Ng* teaches a detachable storage means allowing data readout that is connectable to a terminal game machine wherein the game machine reads out player character information serving as information associated with a game character and stored in the detachable storage means and reflecting the readout player character information on the game. *See fig. 1; col. 1:66-2:60*.

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In view of *Ng*, it would have been obvious to an artisan at the time of the invention to modify the network gaming system disclosed by *Marci*, wherein a user downloads replay data from a server to a terminal over a network, to add to feature of a detachable storage means allowing data readout that is connectable to a terminal game machine wherein the game machine reads out player character information serving as information associated with a game character and stored in the detachable storage means and reflecting the readout player character information on the game. As taught by *Ng*, the modification would enhance the system by allowing the convenience of playing games on a portable, hand-held device while also being able to link to a website and thereby receive increased benefit and enjoyment from the games. *See col. 2:56-60.*

In regards to claim 5: *Ng* additionally teaches having player-character information stored in the detachable device being created and stored by a game machine not connected to the network, but having an interface for connecting the detachable storage means and for reading and writing. *See fig. 1; col. 1:66-2:60.*

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Marci* in view of *Kaji et al.*, U.S. Patent 6,183,367 B1 (Feb. 6, 2001) (hereinafter "*Kaji*").

As described above, *Marci* teaches all the features of the claim except image-sensing means for obtaining image data of a game player, transmitting image data to the host computer, host computer transmitting the image data to a plurality of game terminals and displaying the image data corresponding to the replay data in playing back the replay. Regardless of the deficiency, this feature would have been obvious to an artisan in view of *Kaji*.

Kaji discloses a game system enabling exchange of players' information, apart from game data, to increase "communication" between the players, raise their sense of rivalry and enhance level of interest

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generated by a game. *See abstract.* The communicative game system forms a network comprising a plurality of connected game devices. *See id.* The game devices receive data transferred over the network and transfer the received data and data generated by the home game device onto a host system for accessing the received data. *See id.* By this means, data, sound and video can be transmitted by conducting broadcast communications based on the communications system and host system between the of game devices. *See id.*

In particular regards to the claim, *Kaji* describes image-sensing means for obtaining image data of a game player, transmitting image data to the host computer, host computer transmitting the image data to a plurality of game terminals and displaying the image date corresponding to the replay data in playing back the replay. *See col. 24:58-63.* For example, in a racing game, camera images can be displayed along side each other in accordance with their ranking or position. *See fig. 64-67; col. 24:37-257, 25:26-39.* Additionally, the reaction of a player may be recorded for replay on a competitor's terminal. *See id.*

In view of *Kaji*, it would have been obvious to an artisan at the time of the invention to modify the network game device described by *Marci*, wherein received replay data is played-back in the execution of a game, to add the feature of an image-sensing means for obtaining image data of a game player, transmitting image data to the host computer, host computer transmitting the image data to a plurality of game terminals and displaying the image date corresponding to the replay data in playing back the replay. As taught by *Kaji*, the modification would increase "communication" between the players and thereby enhance the sense of rivalry and level of interest generated by a game. *See abstract.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.
February 21, 2003

A handwritten signature in black ink, appearing to read "Tom Hughes", with a stylized, flowing script.

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700